

09/822,104

T088A/TELNP137USA

REMARKS

Claims 30, 32-41, and 43-49 are currently pending in the subject application and are presently under consideration. Claim 39 has been amended herein to further recite various novel features of the subject invention. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments below, as well as in view of the concurrently filed terminal disclaimer.

I. Rejection of Claims 30, 32, 35-38 and 47-49

Claims 30, 32, 35-38 and 47-49 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Harsch (U.S. 6,212,175). Withdrawal of this rejection is respectfully requested in view of the terminal disclaimer filed herewith.

II. Rejection of Claims 39-41 and 43-46 Under 35 U.S.C. §101

Claims 39-41 and 43-46 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Withdrawal of this rejection is requested for at least the following reasons. As amended, the subject claims is directed to statutory subject matter. Accordingly, independent claim 39 as well as all claims that depend there from are believed to be allowable and this rejection should be withdrawn.

III. Allowable Subject Matter

Applicant's representative notes with appreciation the Examiner's indication that Claims 33 and 34 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claims 33 and 34 depend from independent claim 30, which, in light of the terminal disclaimer, is believed to be allowable. Accordingly, this objection should be withdrawn.

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CONCLUSION


The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [TELNP137USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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